

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

IN RE MICROSOFT CORP.  
ANTITRUST LITIGATION

This Document Relates To:

Civil Action Nos. 1:00-2132; 1:02-153;  
1:00-2146; 1:00-1267; 1:00-1610; 1:00-1242;  
1:00-1268; 1:00-2147; 1:00-1605; 1:00-2443;  
1:00-2143; 1:00-2149; 1:00-1603; 1:00-2445;  
1:00-1602; 1:00-1265; 1:00-1266; 1:00-2117;  
1:00-2302; 8:99-3897; 1:00-1606; 1:00-1243;  
1:00-1608; 1:00-1262; 1:00-1272; 1:00-2142;  
1:00-2148; 1:00-1263; 1:00-2141; 1:00-2441;  
1:00-2144; 1:00-2145; 1:00-1607; 1:02-3397;  
1:00-3471; 1:00-2450; 1:00-2139; 1:00-1273

MDL Docket No. 1332  
Hon. J. Frederick Motz

~~PROPOSED~~ ORDER

For the reasons stated at the November 5, 2004 hearing, it is hereby ORDERED that Microsoft Corporation's Motion to Dismiss Complaints Superseded by the Consolidated Class Action Complaint and Motion to Dismiss, or for Summary Judgment on, Certain Complaints Asserting State Law Claims, be, and they hereby are, granted in part as follows

1 The following 13 actions, in which plaintiffs failed to respond to Microsoft's motions, are dismissed in their entirety:

*Campbell v. Microsoft Corp.* (No. 1:00-1267)  
*Colebank v. Microsoft Corp.* (No. 1:00-1610)  
*Haynes v. Microsoft Corp.* (No. 1:00-2149)  
*Jaffe v. Microsoft Corp.* (No. 1:00-1603)  
*Manson v. Microsoft Corp.* (No. 1:00-2302)  
*McCall v. Microsoft Corp.* (No. 8:99-3897)  
*McWhinney v. Microsoft Corp.* (No. 1:00-1606)  
*Mims v. Microsoft Corp.* (No. 1:00-1243)  
*Nielsen v. Microsoft Corp.* (1:00-1262)

*South Dakota Ass'n of Plumbing, Heating, and Cooling Contractors v. Microsoft Corp.* (No. 1:00-1607)  
*Sujan v. Microsoft Corp.* (No. 1:02-3397)  
*Supernovich v. Microsoft Corp.* (No. 1:00-3471)  
*Weinke v. Microsoft Corp.* (No. 1:00-1273)

2 The following 2 actions asserting claims under West Virginia law are also dismissed in their entirety:

*Gianni v. Microsoft Corp.* (No. 1:00-2147)  
*Penix v. Microsoft Corp.* (No. 1:00-2148)

3 The following 7 actions were superseded by the Consolidated Class Action Complaint (filed in this Court on July 12, 2000) and are therefore administratively closed, subject to an application for reinstatement only if the Court's February 15, 2001 dismissal of plaintiffs' damages claims is reversed by the United States Court of Appeals for the Fourth Circuit on appeal:

*GTI Systems Integrators, Inc. v. Microsoft Corp.* (No. 1:00-2443)  
*Hagan v. Microsoft Corp.* (No. 1:00-2143)  
*Kloth v. Microsoft Corp.* (No. 1:00-1266)  
*Pacific Coast Systems v. Microsoft Corp.* (No. 1:00-2142)  
*Shevekov v. Microsoft Corp.* (No. 1:00-2144)  
*Shirazi v. Microsoft Corp.* (No. 1:00-2145)  
*Tinkham v. Microsoft Corp.* (No. 1:00-2450)

4 All claims for equitable relief under federal law in any action against Microsoft, including all claims for equitable relief in the Consolidated Class Action Complaint, *Kloth v. Microsoft Corp.* (No. 1:00-2117), are dismissed. Thus, the complaint in its entirety is dismissed in *Kloth v. Microsoft Corp.* (No. 1:00-2117)

5 Pending further information with respect to an appeal pending before the Supreme Court of Ohio, the following actions are stayed:

*Glase v. Microsoft Corp.* (No. 1:00-1605)  
*Kloth v. Microsoft Corp.* (No. 1:00-1265)

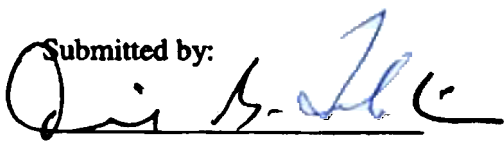
6. The Court has reserved decision with respect to Microsoft's motions  
pertaining to the following actions:

*Aikens v. Microsoft Corp.* (No. 1:00-2132)  
*Automatik Design, Inc. v. Microsoft Corp.* (No. 1:02-153)  
*Brandt v. Microsoft Corp.* (No. 1:00-2146)  
*Cox v. Microsoft Corp.* (No. 1:00-1242)  
*Davenport v. Microsoft Corp.* (No. 1:00-1268)  
*James T. Brems, P.C. v. Microsoft Corp.* (No. 1:00-2445)  
*Klein v. Microsoft Corp.* (No. 1:00-1602)  
*Moon v. Microsoft Corp.* (No. 1:00-1608)  
*O'Neill v. Microsoft Corp.* (No. 1:00-1272)  
*R. Pryor v. Microsoft Corp.* (No. 1:00-1263)  
*W. Pryor v. Microsoft Corp.* (No. 1:00-2141)  
*Ray v. Microsoft Corp.* (No. 1:00-2441)  
*Turner Corp. v. Microsoft Corp.* (No. 1:00-2139)

Dated: December 29, 2004

  
J. Frederick Motz  
United States District Judge

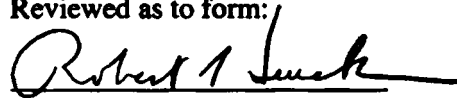
Submitted by:

  
David B. Tulchin  
SULLIVAN & CROMWELL LLP  
125 Broad Street  
New York, New York 10004  
(212) 558-4000

Michael F. Brockmeyer  
Jeffrey D. Herschman  
PIPER RUDNICK LLP  
6225 Smith Avenue  
Baltimore, Maryland 21209-3600  
(410) 580-3000

*Attorneys for Microsoft Corporation*

Reviewed as to form:

  
Stanley M. Chesley  
Robert Heuck II  
WAITE, SCHNEINDER, BAYLESS &  
CHESLEY  
1513 Central Trust Tower  
Fourth and Vine Streets  
Cincinnati, Ohio 45202  
(513) 621-0267

Michael D. Hausfeld  
COHEN, MILSTEIN, HAUSFELD and  
TOLL PLLC  
1100 New York Avenue, N.W.  
Washington, D.C. 20005  
(202) 408-4600

*Plaintiffs' Lead Counsel Committee Co-  
Chairs*